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Kriss v. Bayrock Group LLC 13 CV 3905 ("Kriss II")

Hon. Lorna G. Schofield
United States District Court, SDNY
New York, New York 10007

**ADDENDUM TO AND NOTICE
OF *EX PARTE* APPLICATION
FOR AN EMERGENCY STAY**

Dear Judge Schofield:

FRCP 6

For the reasons set forth in our *ex parte* application for an emergency stay *sine die* and other relief made earlier today, for completeness we add as a proposed alternate form of relief this Rule 6 request for enlargement of time to file a complaint, *sine die*, until resolution of the issues raised therein. We respectfully submit there is not only good, but *extraordinarily* good cause, as the court has now required, for enlarging time and given the events set forth in the application opposing counsel can hardly be heard to complain, let alone show prejudice.

Of course, we are fully prepared to make formal evidentiary submission in support of the statements made in the *ex parte* application and we take this opportunity to reaffirm them as true and correct to the best of our knowledge and belief subject to 28 U.S.C. §1746.

Last, while the *ex parte* nature of the non-merits and non-substantive communication was and is ethically proper and well-justified to preserve safety, if the court so directs we will of course send it to opposing counsel but we do request such be ordered *attorneys eyes only*.

We also hereby give notice *via* ECF that an *ex parte* application has been made.

Respectfully submitted.

/s/ Frederick M. Oberlander
Counsel for Plaintiffs

/s/ Richard E. Lerner
Co-Counsel